Remarks

The Non-Final Office Action of March 12, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 4, 6-9, 23, 27-32, and 37-39 are pending in the application. No new matter has been added.

Reconsideration and allowance of the instant application are respectfully requested.

Objection to the Amendment of February 23, 2007

The Examiner objects to the amendment of February 23, 2007, as adding new matter. Applicant traverses this rejection as the amendment of February 23, 2007, is supported in the specification as originally filed.

Specifically, the Examiner asserts that there is no disclosure of an embodiment where the token collects control point information and transmits the collected information to the token issuer and the control point operator. Applicant traverses this assertion as the embodiment of Figure 5 discloses these features. While the Examiner cites to page 9, lines 4-8, of Applicant's specification and asserts that this section only relates to operations of the control point and control point issuer, this conclusion is misplaced.

Lines 4-8 of page 9 cannot be read in a vacuum as the Examiner is attempting to do. Figures 1-3 relate to the control point using its communication network to communicate with the control point operator. In particular, page 5, lines 6-7, disclose the token obtaining information from the control point. Figures 4 and 5 describe variations on the system as disclosed in Figures 1-3. In particular, Figure 4 relates to an embodiment that builds on the disclosure of Figures 1-3 but specifies that the token uses the network between the control point 40 and the control point operator 50 to communicate with the token issuer 10 (see page 8, lines 20-21). The data communications between the control point 40 and the control point operator 30 are unchanged. See the same data flows in Figure 4 as found in Figure 1.

Similarly, Figure 5 describes the reciprocal approach to Figure 4. In Figure 5, the control point 40 uses the network between the token 50 and the token issuer 10 to communicate with the control point operator 30.

Figure 5 Lines 4-8 of page 9 are reproduced below:

> " Figure 5 shows an embodiment in which the control point 40 may use the communications network of the token 50 and the token issuer 10 in order to communicate with the control point operator 30. That is, the control point 40 may communicate with the control point operator 30 using the same communication network that the token 50 uses to communicate with the token issuer 10." (Emphasis added.)

Lines 4-8 of page 9 pertaining to Figure 5 relate to the control point 40 using the communications network that exists between the token 50 and token issuer 10 to communicate with the control point operator 30. The token 50 continues to use the same approach to obtaining information regarding the control point 40 as set forth in step 320 of Figure 3.

The following table shows what the Examiner believes is missing from the specification (specifically, lines 1-3 of page 3 of the Office Action) and to where Applicant directs the Examiner's attention for the disclosure:

Specific Content from Examiner	Location in Specification
Token collects information from control point	Figure 3, step 320, and page 7, lines 5-7.
…that is transmitted to the control point [operator]	The control point operator authenticates the user by comparing data from the token with data stored in one of the databases 15, 35. See Figure 3, step, 322, and page 6, lines 5-10.
… and the token issuer	The token issuer authenticates the control point based on information from the token regarding the control point. See Figure 3, step 324, and page 8, lines 6-9.
…such that the control point operator authenticates the token	See Figure 3, step 322, and page 6, lines 5-10, described above.
… and the token issuer authenticates the control point.	See Figure 3, step 324, and page 8, lines 6-9, as described above.

Applicant submits that the authentications of the control point and token are the same shown in Figures 1-3 but include the use of the network between the token and the token issuer as described above. Accordingly, the amendment of February 23, 2007, does not add new matter.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1, 4, 6-9, 23, 27-32, and 36-39 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement and failing to comply with the enablement requirement.

For the reasons described above, the specification as originally filed fully describes the claimed subject matter. Specifically, the specification provides an adequate written description and enabling disclosure. Accordingly, because claims 1, 4, 6-9, 23, 27-32, and 36-39 are fully supported by the specification, Applicant requests the 112, first paragraph rejection be withdrawn.

Rejection of Claims Under 35 U.S.C. § 103

Claims 1, 4, 6-9, 23, 27-32, and 26-39 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No 6,584,309 to Whigham in further view of U.S. Patent No 7,149,895 to Asokan. Applicant traverses the rejection.

Claim 1 recites:

> " transmitting via said first communication pathway through said network from said token said information obtained from said control point and information regarding said token, said information being transmitted to said token issuer and said control point operator, said control point operator authenticating said token with said token issuer and said token issuer authenticating said control point with said control point operator;
>
> receiving at said token via said first communication pathway said authentication of said control point and said authentication of said token;
>
> transmitting to said control point said authentication of said token via said second communication pathway, …"

Whigham fails to teach or suggest the authentication as claimed. Rather, Whigham teaches the underlying action (vending a product), not the recited authentication of the token. Here, the Examiner's suggestion that the action itself is authentication (vending a product) frustrates the authentication aspect of claim 1. Specifically, the user is blindly assuming that the control point is a valid control point (vending machine) and the control point (the vending machine) is blindly assuming the use is an authenticated user. To address these failings of Whigham, the Examiner cites Asokan. However, Asokan fails to teach or suggest the use of the recited communication network as claimed. Claim 1 relates to the network of the token (the user's device in Asokan) not the network of the control point (the terminal in Asokan) to access authenticating servers. Simply put, Asokan teaches the opposite network structure as recited in

claim 1. Accordingly, the combination fails to teach or suggest claim 1 as presented. Claim 1 is allowable over the combination.

Claims 23, 38, and 39 include similar recitations and are believed allowable over the combination.

Dependent claims 6-9, 27-32, and 26-37 are allowable based on their dependence on allowable claims.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3184. If additional fees are due, the Director is authorized to debit our deposit account 19-0733 in the appropriate amount.

Respectfully submitted,
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